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| 10/748,951 | 12/30/2003 | Gregor K. Frey | 6570P046 | 7891 |

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| EXAMINER | |
|---|---|
| MADAMBA, GLENFORD J | |
| **ART UNIT** | **PAPER NUMBER** |
| 2151 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/748,951 | FREY ET AL. | |
| | Examiner | Art Unit | |
| | Glenford Madamba | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *31 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-15,17-30,32 and 33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17-30 and 32-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This action is in response to amendments and remarks filed by Applicant on July 31, 2007

### *Response to Amendments and Remarks*

2. With respect to Applicant's latest remarks and claim amendments, the Office has given consideration to the amendments and remarks submitted on July 31, 2007, but are now considered moot in light of the new grounds of rejection provided for the current listing of claims.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-10, 13, 14-15, 17-25, 28-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cundiff, JR. et al, U.S. Patent Publication US 2004/0230973 in view of Patrick et al (hereinafter Patrick), U.S. Patent Publication US 2005/0102536 A1.

As per Claims 1, 10, 19 and 25, Cundiff in view of Patrick discloses a Java monitoring architecture (JMA), comprising:

one or more monitor servers (e.g., single JVM server or multi-process JVM server { MP J2EE application server_100} with JMX functionality / implementation) to monitor resources, collect monitoring data associated with the resources, and provide the monitoring data to one or more destinations (e.g. managing and monitoring devices, applications and services) [0004], wherein each monitor server includes a Java Management Extensions (JMX)-based monitor server [0011] [0018] [Fig. 1 & 5]; and

one or more managed bean servers (Mbean Server 45) coupled with the one or more monitor servers, each managed bean server having a registry (i.e., "registerListener" / registry) [Fig. 3] [0006] [0011] [0038] [Fig. 10] of associated managed beans to facilitate the one or more monitor servers to monitor the resources [0011] [Figs. 1-4], each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored.

While Cundiff discloses substantial features of the invention, he does not expressly disclose the additionally required feature of each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored. Patrick discloses the feature in a related endeavor.

Patrick discloses as his invention a system and method for a configurable distributed security system comprising a security service module capable of dynamically instantiating one or more plugin security provider modules, wherein the security service module is capable or controlling access to one or more "resources" based on the security information. In particular, Patrick discloses the above additional feature of each managed bean server further having a container to hold the managed beans, the managed beans to access management applications to manage the resources that are being monitored (e.g., 'container') [0114].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Cundiff's invention with the above said additional feature, as disclosed by Patrick, for the motivation of providing a configurable distributed security system that can be deployed to protect enterprise applications in a heterogeneous computing environment [0023]

Claims 10, 19 and 25 recite the same limitations as claim 1, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 2 and 20, Cundiff discloses the JMA of claim 1, wherein the one or more monitor servers are further to receive a request for the monitoring of the resources from the one or more destinations, and to monitor the resources in response to the request [Abstract].

Claim 20 recites the same limitations as claim 2, is distinguished only by its statutory category, and thus rejected on the same basis.

As per Claims 3 and 23, Cundiff discloses the JMA of claim 1, wherein the resources include Java resources associated with a Java 2 Platform, Enterprise Edition (J2EE) engine.

Claim 23 recites the same limitations as claim 3, is distinguished only by its statutory category, and thus rejected on the same basis.

As per Claim 4, Cundiff discloses the JMA of claim 1, wherein the one or more managed bean servers are further to couple the one or more monitor servers with the one or more destinations (e.g., Control Process Administrative Service C 135 and/or Control Service 175) [Fig. 8].

As per Claims 5, 17, 22 and 32, Cundiff discloses the JMA of claim 4, wherein the one

or more destinations include one or more of a computing center management system (CCMS), one or more administrative tools, and one or more third party tools (e.g., Control Process Administrative Service C 135 and/or Control Service 175) [Fig. 8].

Claims 17, 22 and 32 recite the same limitations as claim 5, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claim 6, Cundiff discloses the JMA of claim 5, wherein the one or more administrative tools are coupled with the one or more monitor servers and the one or more managed bean servers via an administrative service interface, the one or more administrative tools include a monitor viewer to display the monitoring data (e.g., Admin Service 36 / local LMX interface 35) [Fig. 1] [0011].

As per Claims 7, 18 and 33, Cundiff in view of Patrick discloses the JMA of claim 6, wherein the monitor viewer includes one or more of a visual administrator monitor viewer and a Graphical User Interface (GUI)-based monitor viewer.

While Cundiff discloses substantial features of the invention such as the method of claim 6, wherein the one or more administrative tools are coupled with the one or more monitor servers and the one or more managed bean servers via an administrative service interface, the one or more administrative tools include a monitor viewer to display the monitoring data (e.g., Admin Service 36 / local LMX interface 35) [Fig. 1]

[0011], he does not explicitly disclose the added feature of the monitoring architecture wherein the monitor viewer includes at least one of the following: a visual administrator monitor viewer and a Graphical User Interface (GUI)-based monitor viewer. The feature is disclosed by Patrick in a related endeavor.

Patrick discloses as his invention a system and method for configurable distributed security system, comprising, a security service module capable of dynamically instantiating one or more plugin security provider modules, the one or more security provides modules are coupled to the security service module wherein the one or more security service modules are capable of responding to one or more changes in configuration information, a first process capable of modifying the configuration information, wherein the security service module is capable of accepting at least one of, security information and the configuration information, and wherein the security service module is capable of controlling access to one or more resources based on the security information [Abstract] [0122-0123] [0134]. As part of his invention, Patrick discloses in one embodiment the implementations to retrieve configuration and policy data of the invention may be accomplished by a JMX Bean Server [0155]. Specifically, Patrick discloses the added feature of the monitoring architecture wherein the monitor viewer includes at least one of the following: a visual administrator monitor viewer and a Graphical User Interface (GUI)-based monitor viewer (e.g., Administration Server 900 with GUI) [Figs. 10 & 11].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Cundiff's invention with the added feature of the

monitoring architecture wherein the monitor viewer includes at least one of the following: a visual administrator monitor viewer and a Graphical User Interface (GUI)-based monitor viewer, as disclosed by Patrick, for the motivation of providing control access to one or more resources of an SSM / SCM system [Abstract] [0023].

Claims 18 and 33 recite the same limitations as claim 7, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 8 and 21, Cundiff in view of Patrick discloses the JMA of claim 5, wherein the one or more monitor servers are coupled with the one or more third party tools via an interface including a Managed Enterprise Java Bean interface, the one or more third party tools include a file system to temporarily store the monitoring data.

While Cundiff discloses substantial features of the invention such as the method of claim 5, wherein the one or more destinations include at least one of one or more administrative tools or third party tools, he does not explicitly disclose the added feature of the monitoring architecture, wherein the one or more monitor servers are coupled with the one or more third party tools via an interface including a Managed Enterprise Java Bean interface, including a file system to store monitoring data. The feature is disclosed by Patrick in a related endeavor.

Patrick discloses as his invention a system and method for configurable distributed security system, comprising, a security service module capable of

dynamically instantiating one or more plugin security provider modules, the one or more security provides modules are coupled to the security service module wherein the one or more security service modules are capable of responding to one or more changes in configuration information, a first process capable of modifying the configuration information, wherein the security service module is capable of accepting at least one of, security information and the configuration information, and wherein the security service module is capable of controlling access to one or more resources based on the security information [Abstract] [0122-0123] [0134]. As part of his invention, Patrick discloses in one embodiment the implementations to retrieve configuration and policy data of the invention may be accomplished by a JMX Bean Server [0155]. Specifically, Patrick discloses the added feature of the monitoring architecture , wherein the one or more monitor servers are coupled with the one or more third party tools (e.g., plugins) or administrative tools (Fig 11) via an interface including a Managed Enterprise Java Bean interface [0045], including a file system to store monitoring data (storage 708/808) [Fig. 8].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Cundiff's invention with the added feature of the monitoring architecture, wherein the one or more monitor servers are coupled with the one or more third party tools via an interface including a Managed Enterprise Java Bean interface, as disclosed by Patrick, for the motivation of providing control access to one or more resources of an SSM / SCM system [Abstract] [0023].

Claim 21 recites the same limitations as claim 8, is distinguished only by its statutory category, and thus rejected on the same basis.

As per Claim 9, Cundiff discloses the JMA of claim 1, further comprises a shared memory coupled with the one or more monitor servers and the CCMS, the shared memory including contents of the monitoring data and the CCMS (e.g., Mbean descriptor / storage 138) [Fig. 6].

As per Claims 13, 24 and 28, Cundiff in view of Patrick discloses the method of claim 10, wherein the *resources* include: one or more of a kernel, server components, network connections, memory consumption, threads, classloaders, database connections, database transactions, HyperText Transport Protocol (HTTP) cache, Java Messaging Service (JMS) queries and topics, and sessions.

While Cundiff discloses substantial features of the invention such as the method of claim 10, he does not explicitly disclose the added feature of the method wherein the *resources* include at least one of the following: a kernel, server components, network connections, memory consumption, threads, classloaders, database connections, database transactions, HyperText Transport Protocol (HTTP) cache, Java Messaging Service (JMS) queries and topics, and sessions. The feature is disclosed by Patrick in a related endeavor.

Patrick discloses as his invention a system and method for configurable distributed security system, comprising, a security service module capable of dynamically instantiating one or more plugin security provider modules, the one or more security provides modules are coupled to the security service module wherein the one or more security service modules are capable of responding to one or more changes in configuration information, a first process capable of modifying the configuration information, wherein the security service module is capable of accepting at least one of, security information and the configuration information, and wherein the security service module is capable of controlling access to one or more resources based on the security information [Abstract] [0122-0123] [0134]. As part of his invention, Patrick discloses in one embodiment the implementations to retrieve configuration and policy data of the invention may be accomplished by a JMX Bean Server [0155]. Specifically, Patrick discloses the added feature of the method wherein the *resources* include at least one of the following: a kernel, server components, network connections, memory consumption, threads, classloaders, database connections, database transactions, HyperText Transport Protocol (HTTP) cache, Java Messaging Service (JMS) queries and topics, and sessions [Patrick: 0041-0055].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Cundiff's invention with the added feature of the the method wherein the *resources* include at least one of the following: a kernel, server components, network connections, memory consumption, threads, classloaders, database connections, database transactions, HyperText Transport Protocol (HTTP)

cache, Java Messaging Service (JMS) queries and topics, and sessions [Patrick: 0041-0055], as disclosed by Patrick, for the motivation of providing control access to one or more resources of an SSM / SCM system [Abstract] [0023].

As per Claims 14 and 29, Cundiff discloses the method of claim 13, wherein the server components include at least one of the following: libraries, interfaces, and services.

As per Claims 15 and 30, Cundiff discloses the method of claim 10, wherein the one or more monitor servers are located, locally or remotely, at one or more Java virtual machines [0007].

3. Claims 11, 12, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cundiff, JR. et al, U.S. Patent Publication US 2004/0230973 in view of Patrick et al (hereinafter Patrick), U.S. Patent Publication US 2005/0102536 A1 and in further view of Sengodan et al (hereinafter Sengodan), U.S. Patent Publication US 2004/0102536 A1.

As per Claims 11 and 26, Cundiff in view of Patrick and in further view of Sengodan discloses the method of claim 10, further comprising:

receiving a request to monitor the resources from the one or more destinations [Abstract];

receiving the monitoring data at the one or more destinations (e.g. managing and monitoring devices, applications and services) [0004]; and

displaying the monitored data using a monitor viewer at the one or more destinations [Sengodan: Fig. 17].

While the combination of Cundiff and Patrick disclose substantial features of the invention such as the method of claim 10, such as monitoring resources using monitor servers (e.g., single JVM server or multi-process JVM server { MP J2EE application server_100} with JMX functionality / implementation) to monitor the resources, collecting monitoring data associated with the resources, and providing the monitoring data to one or more destinations (e.g. managing and monitoring devices, applications and services) [0004], the additionally recited feature of displaying the monitored data using a monitor viewer at the one or more destinations is more expressly recited by Sengodan in a related endeavor.

Sengodan discloses as his invention a web-based interface for using JMSML to access JMS/JMX interfaces. The invention comprises a Web Application (Servlet) interface that enables the JMSML user to enter and execute the JMSML program via a web browser. The interface provides a simple form, wherein the user can type in the JMSML commands and specify the server's connection information (e.g, URL) on which the user wants to execute the JMSML commands [Abstract]. Specifically, Sengodan discloses the added feature of displaying the monitored data using a monitor viewer at the one or more destinations [Sengodan: Fig. 17].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Cundiff and Patrick with the added feature of displaying the monitored data using a monitor viewer at the one or more destinations, as disclosed by Sengodan, for the motivation of enabling a user to perform remote administration, monitoring and management of a server's JMS subsystem, from anywhere on a wide area network or the Internet [Abstract].

Claim 26 recites the same limitations as claim 11, is distinguished only by its statutory category, and thus rejected on the same basis.

As per Claims 12 and 27, Cundiff in view of Patrick and in further view of Sengodan discloses the method of claim 10, wherein the monitoring data includes at least one of the following about the monitored resources: general information, statistics, predictions, and history.

While While the combination of Cundiff and Patrick disclose substantial features of the invention such as the method of claim 10, such as monitoring resources using monitor servers (e.g., single JVM server or multi-process JVM server { MP J2EE application server_100} with JMX functionality / implementation) to monitor the resources, collecting monitoring data associated with the resources, and providing the monitoring data to one or more destinations (e.g. managing and monitoring devices, applications and services) [0004], the additionally recited feature of the method

wherein the monitoring data includes at least one of the following about the monitored resources: general information, statistics, predictions, and history is more expressly recited by Sengodan in a related endeavor.

Sengodan discloses as his invention a web-based interface for using JMSML to access JMS/JMX interfaces. The invention comprises a Web Application (Servlet) interface that enables the JMSML user to enter and execute the JMSML program via a web browser. The interface provides a simple form, wherein the user can type in the JMSML commands and specify the server's connection information (e.g, URL) on which the user wants to execute the JMSML commands [Abstract]. Specifically, Sengodan discloses the method wherein the monitoring data includes at least one of the following about the monitored resources: general information, statistics, predictions, and history (e.g., server statistics) [Sengodan: 0011].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Cundiff and Patrick with the additional feature of the method wherein the monitoring data includes at least one of the following about the monitored resources: general information, statistics, predictions, and history, as disclosed by Sengodan, for the motivation of enabling a user to perform remote administration, monitoring and management of a server's JMS subsystem, from anywhere on a wide area network or the Internet [Abstract].

Claim 27 recites the same limitations as claim 12, is distinguished only by its statutory category, and thus rejected on the same basis.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP 706.06(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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